



• Attorney Docket No.:
SSBC-0001 (121300.00003)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Fang Hu, et al.

Serial No.: 10/766,307

Filed: January 28, 2004

Art Unit: 1642

Examiner: Catherine Joyce

For: **THERAPY FOR PRIMARY AND METASTATIC CANCER**

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8: I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on 11-27-06

Tracy E. Giroux
Signature
Tracy E. Giroux
Printed Name

RESPONSE TO RESTRICTION REQUIREMENT

In response to the communication from the Examiner dated August 28, 2006, having a deadline for response expiring September 28, 2006, and extended for two months by petition enclosed herewith until November 28, 2006, Applicants hereby elect, without traverse, to prosecute in this application the following invention:

Invention I. Claims 1-28, drawn to a method for ablating tumor cells in a subject having at least one tumor site.

In conjunction with this election, Applicants also wish to elect the following species as requested by the Examiner:

Method step sequence: "Contacting the tumor cells with a lytic agent before applying the in vivo stimulus."

Tumor type: nasopharyngeal carcinoma

• Attorney Docket No.:
SSBC-0001 (121300.00003)

Lytic agent: Oncolytic virus

Oncolytic virus type: Adenovirus

Gene product lacking in tumor cells: p53

Viral oncoprotein: p53

Sequence: SEQ ID NO:1

Particular gene: A cytolytic gene

Stimulus: In this election, the Applicants note that the Examiner has offered “local hypothermia” as a choice, and submit that perhaps “local hyperthermia” was intended, as is recited in Claim 48. If this is the case, Applicants wish to elect “local hyperthermia” as the stimulus.

Heat Shock Protein: HSP-70

If the Examiner has any other matters which pertain to this Application, the Examiner is encouraged to contact the undersigned to resolve these matters by Examiner’s Amendment where possible.

Respectfully submitted,

 1/27/06
T. Ling Chwang
Reg. No. 33,590
Jackson Walker L.L.P.
901 Main Street, Suite 6000
Dallas, Texas 75202
Tel: (214) 953-5959
Fax: (214) 661-6870